

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 05-22285-CIV-GOLD/TURNOFF

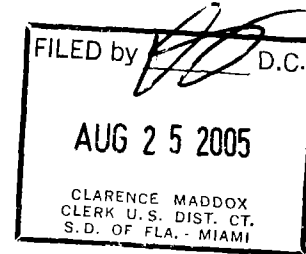
GUSTAVO A. MORALES,

Plaintiff,

v.

CITIGROUP f/k/a THENATIONAL  
CITY BANK OF NEW YORK,

Defendant. /



**ORDER REQUIRING COMPLIANCE WITH LOCAL RULE 16.1**  
**OF THE UNITED STATES DISTRICT COURT FOR THE**  
**SOUTHERN DISTRICT OF FLORIDA**

**THE COURT**, on its own motion, **ORDERS AND ADJUDGES:**

1. Unless otherwise exempted under S.D.Fla.L.R. 16.1(B)(4) of the United States District Court and this order, all parties are required to meet and comply with S.D. Fla.L.R. 16.1(B) and this Order within twenty (20) days after the filing of an answer by the last answering defendant; within 60 days of the filing of the complaint (or, in a case removed from state court, within thirty (30) days from the Notice of Removal). No extensions will be granted absent extraordinary good cause shown.

2. In addition to filing a joint scheduling report per S.D.Fla.L.R. 16.1(B)(2), the parties shall fill out, and timely file, the following information, no later than the date stated above:

a. Inclusion of dates certain in a completed version of Appendix I and completion of Appendix II (addressing magistrate judge consent) attached to this Order, [filed as separate documents with the court].

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b. A designation of the case management track under which the case will be processed, as defined in S.D.Fla.L.R. 16.1(A)(2), based upon the projected time needed for trial and a proposed trial date.

c. A statement of whether the case is to be trial by jury or non-jury.

d. A plain statement of the nature of the claim and any counter-claim, cross-claim, or third-party claim, including the amount of damages claimed, a preliminary statement of how such damages were calculated and any other relief sought.

e. A brief summary of facts which are uncontested or which can be stipulated to without discovery.

f. A recital of the issues as presently known.

g. A list and summary of any pending motions.

h. The progress of discovery in the case, if any, to date, and any pending or anticipated discovery problems which require early court resolution.

i. Any unique legal or factual aspects of the case requiring special consideration by the Court including jurisdictional issues or questions concerning lack of subject matters jurisdiction.

j. Any potential need for references to a special master or magistrate.

k. Any particular need for an early case management conference to be held by the Court.

l. Status of any potential settlement.

m. Specify whether, and the manner in which, the Manual on Complex Litigation, Third Edition, would be of assistance in the cause.

n. If counsel have conferred or not regarding whether the “disclosure requirement” imposed by Fed.R.Civ.P.(26)(a)(1-4), should apply to this case by court order or by “written stipulation of all affected parties” and the result of such conference, if any.

o. Such other matters as may aid the Court in the fair and expeditious administration and disposition of the case.

3. Any failure to abide by the required rules and this Order shall subject the party or counsel to appropriate penalties, **including but not limited to the dismissal of the cause, or the striking of defenses and entry of judgment**, and/or the imposition of monetary or other sanctions as authorities by Fed.R.Civ.P. 16(f).

4. Following the submission of the Conference Report, the Court may require a status conference prior to adopting the Conference Report by order. **A proposed Scheduling Order is not required.**

5. Counsel for Plaintiff, or Plaintiff if proceeding *pro se*, shall be responsible for giving notice of the requirements of this subsection to each defendant or counsel for each defendant as soon as possible after such defendant’s first appearance.

**ORDERED IN CHAMBERS** this 24 day of August, 2005.



ALAN S. GOLD  
UNITED STATES DISTRICT JUDGE

Copies furnished:  
*U.S. Magistrate Judge William C. Turnoff*  
All Counsel of Record

[PLEASE NOTE: Since the initiation of this Court’s *FAXBACK Program*, the parties are no longer required to submit envelopes with their motion, UNLESS there is a *pro se* party involved. In that event, a prepaid envelope shall be provided for the *pro se* party only.

## **APPENDIX I**

**The *Joint Scheduling Report* is also available on the Court's website @ [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov) in WordPerfect Format.**

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CITY BANK OF NEW YORK,

\_\_\_\_\_  
Defendant. /

**Joint Scheduling Report**

Pursuant to the Court's Order Requiring Compliance with Local Rule 16.1, the parties have agreed to the following deadlines:

**DATE**

**ACTION**

By

Plaintiff's counsel, or any other attorney agreed upon by all parties, shall file a Designation of Mediator indicating the name of the mediator and the place, date and time for mediation. If there is no agreement on a mediator, the parties shall notify the Clerk in writing and the Clerk shall designate a mediator.

By

Each party shall exchange preliminary lists of all witnesses then believed to have knowledge of the facts supporting the material allegations of the pleading filed by that party, and each party shall exchange all documents then available or subject to its control that they contemplate using as evidence in support of any allegations of the pleading filed by that party.

By

All non-dispositive pretrial motions (including motions pursuant to Fed.R.Civ.P. 14, 15, 18

through 22, and 42 motions) shall be filed. Any motion to amend or supplement the pleadings filed pursuant to Fed.R.Civ.P. 15(a) or 15(d) shall comport with S.D.Fla.L.R. 15.1 and shall be accompanied by the proposed amended or supplemental pleading and a proposed order as required. **When filing nondispositive motions, the moving party must attach a proposed order. Failure to do so will result in dismissal of the motion without prejudice.** The proposed order shall also contain a complete service list, including the names and addresses of all attorneys or parties. If there are pro se litigants, a pre-addressed stamped envelope shall be provided for those parties.

By Plaintiff shall furnish opposing counsel with a written list containing the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify.

By Defendant shall furnish opposing counsel with a written list containing the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify.

By: The parties shall comply with S.D.Fla.L.R. 16.1 K concerning the exchange of expert witness summaries and reports. This date shall supercede any other date in local rule 16.1 K.

By: Rebuttal expert reports shall be filed.

By All expert discovery shall be completed.

By All non-expert discovery shall be completed.

By All dispositive pretrial motions and memoranda of law must be filed. **If any party moves to strike an expert affidavit filed in support of a motion for summary judgment**

[for reasons stated in *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 125 L.Ed. 2d 469, 113 S.Ct. 2786 (1993) and *Kumho Tire Company, Ltd. v. Carmichael*,\_- U.S.\_, 119 S.Ct. 1167, 143 L.Ed.2d 238 (1999)], **the motion to strike shall be filed with that party's responsive memorandum.**

By

Mediation shall be completed.

By

**Pretrial Stipulation and *Motions in Limine*.**  
The joint pretrial stipulation shall be filed pursuant to S.D.Fla.L.R. 16.1(E). In conjunction with the Joint Pretrial Stipulation, the parties shall file their motions in limine.

On

Proposed pretrial conference date

On

Proposed trial date

## **APPENDIX II**

**The *Consent to Jurisdiction* is also available on the Court's website @ [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov) in WordPerfect Format.**



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CITY BANK OF NEW YORK,

Defendant. /

CONSENT TO JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE FOR FINAL DISPOSITION

In accordance with the provisions of Title 28, United States Code, Section 636(c), the undersigned party to the above-captioned civil matter, by and through undersigned counsel, hereby voluntarily consents to have a United States Magistrate Judge decide the following matters and issue a final order or judgment with respect thereto:

- |    |                                  |     |     |    |     |
|----|----------------------------------|-----|-----|----|-----|
| 1. | Discovery Motions                | Yes | ___ | No | ___ |
| 2. | Motions for Costs                | Yes | ___ | No | ___ |
| 3. | Motions for Attorney's Fees      | Yes | ___ | No | ___ |
| 4. | Motions for Sanctions            | Yes | ___ | No | ___ |
| 5. | Motions to Dismiss               | Yes | ___ | No | ___ |
| 6. | Motions for Summary Judgment     | Yes | ___ | No | ___ |
| 7. | Jury or Non-Jury Trial on Merits | Yes | ___ | No | ___ |
| 8. | Other _____                      | Yes | ___ | No | ___ |

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
PRINTED NAME OF ATTORNEY

Attorney for \_\_\_\_\_

Copies furnished to:

U.S. Magistrate Judge William C. Turnoff

## NOTICE:

Beginning Tuesday, October 14, 2003, the following procedures will be strictly adhered to regarding the introduction of electronic equipment into the Federal Courthouse Facilities within the Southern District of Florida.

### **I. Electronic Devices.**

- A. All electronic devices including but not limited to Cell Phones, Pagers, Personal Data Assistants (PDA), Laptop Computers, Tape Recorders, etc...are prohibited from entering any federal courthouse facility within the Southern District of Florida with the following exceptions. \*Note - (Pursuant to Southern District of Florida Local Rule 77.1) Cameras of any type are not allowed in any of the facilities without a written order signed by a Federal Judge and Verified by the USMS. Exception - United States Probation Officers and courthouse employees assigned to the Southern District of Florida are permitted to bring their Government issued cell phone which has a camera device. (Bar codes are not required).**

### **B. Exceptions to Electronic Device Admittance:**

1. A written request signed by a Judge or other designated authority, forwarded to the U.S. Marshal for verification, allowing a specific person access to the courthouse with a specific electronic device for a specific purpose and period of time. **Or...**
2. Any Federal Courthouse Employee with a valid permanent courthouse employee Identification Card having business within the facility. **Or...**
3. Any attorney of the United States Attorney's Office or the Federal Public Defenders Office with a valid identification card issued from that office. **Or...**
4. Any Special Agent for the United States Government or other law enforcement officer authorized to enforce the law within the Southern District of Florida, having official business within the courthouse facility and possessing a valid agency/department issued identification badge. **Or...**
5. Any attorney permitted to practice law within the Southern District of Florida with a valid Florida Bar Association Bar Card Identification having business within the facility. (This applies to attorneys only and precludes staff, investigators. etc...)

**\*Persons not meeting at least one of the requirements listed above will not be permitted to bring an electronic device of any kind including a cell phone into the federal courthouses (i.e. the general public, etc...).**